Comprehensive cost review of the human rights treaty body system

*Geneva, April 2013*
BACKGROUND NOTE

Comprehensive cost review of the human rights treaty body system

1. Introduction

On 11 September 2012, the co-facilitators (Ambassador Greta Gunnarsdottir, Iceland, and Ambassador Desra Pecaya, Indonesia) of the Intergovernmental Process of the General Assembly on “strengthening and enhancing the effective functioning of the human rights treaty body system” (66/254) presented a Progress Report to the President of the General Assembly.

In Section VII, under “Recommendations”, the co-facilitators recommended that “a comprehensive cost review of the treaty body system be provided in a background note to the renewed intergovernmental process by the end of 2012. The background note could contain detailed information on a number of costing issues, including the cost of the current system, including for conference services and documentation, as well as the additional resources required to clear the current backlog, the assessed allocation needed to fully service the current system and the unit cost of each element of the treaty body system.”

In response to this request the relevant substantive and conference services secretariats (OHCHR and both the Department of Conference Management - DCM and UN Information Services – UNIS at UNOG) analysed the actual costs of the system in 2012. In addition, the relevant departments also compiled information on the additional resources required to clear the current backlog and the assessed allocation needed to fully service the current system.

This background note should be read in conjunction with the report by the United Nations High Commissioner for Human Rights on “Strengthening the United Nations human rights treaty body system”, issued in June 2012 (referred to hereinafter as the HC report). The consultation process leading to this report was motivated by the doubling of the size of the treaty body system in less than a decade without commensurate resources which generated paralyzing backlogs of States parties’ reports and individual communications. In the HC report, the key proposals compiled in the report include establishing a comprehensive reporting calendar ensuring strict reporting compliance with human rights treaties and equal treatment of all States parties. Also as proposed in the report of the Secretary-General to the General Assembly in 2011 (A/66/344), the system could be brought up to date through eliminating the current backlogs in a single ad hoc exercise, should the Calendar not be adopted. This option, however, would fall short of providing a comprehensive long-term solution and it would remain important that regular comprehensive reviews of the workload of the treaty bodies be undertaken to assess and address the evolving resource requirements of the treaty bodies. Any cost-related review must also take into account these larger proposals, which aim at easing the pressure on the current system, while also promoting more compliance with the treaty body reporting structure and effective use of financial and human resources.

2. Treaty body system in a nutshell

The core international human rights treaties establish legal obligations for States parties to promote and protect human rights at the national level. In short, the ten existing treaty bodies perform a number of functions aimed at reviewing how the treaties are being implemented by their States parties. Each committee which accompanies a treaty is composed of independent experts (between 10 and 25 per committee) of recognised competence in human rights, who are nominated and elected by States parties.
All treaty bodies, with the exception of the Subcommittee on Prevention of Torture (SPT), are mandated to receive and consider reports submitted periodically by States parties detailing how they are applying the treaty provisions domestically. All but one (SPT) of the treaty bodies may, in principle, receive and consider complaints or communications from individuals alleging that their rights have been violated by a State party, provided that the latter has accepted this procedure. Six of those (two not yet in force) have the competence to conduct country inquiries and/or visits, including the SPT.

3. Overview of current costs of the treaty body system

OHCHR, in particular through its Human Rights Treaties Division (HRTD), is the United Nations entity responsible for supporting the human rights treaty bodies that monitor the implementation of the international human rights treaties. The Division of Conference Management (DCM) of the United Nations Office at Geneva (UNOG) provides conference services to the treaty bodies, as well as to other clients. The UN Information Services in Geneva (UNIS at UNOG) issues Press Releases & Meeting Summaries of all public meeting of the treaty bodies. The costs of the treaty body system are distributed through OHCHR and UNOG, the former handling staff costs and travel/DSA for the meetings and the latter dealing with costs related to conference services.

For a full picture of the costs related to the treaty body system as such, all these various elements need to be taken into account. It must also be pointed out that if the proposals for a comprehensive reporting calendar and/or a biennial review and a two or five-year clearance of the in-hand backlog were to be seriously considered and implemented, a review would also have to be conducted of the corresponding increase in conference rooms required and increased staffing both for OHCHR and DCM and related office space. These capacity-related issues would have to accompany any major proposals being considered. Also to be considered are increased ratifications under international human rights treaties, which individually do not trigger consideration of any additional resources, despite increasing the workload of the treaty body.

For a breakdown of the current costs, using 2012 as a baseline, the key resource categories are as follows:

a. Conference services
b. Travel of Treaty Bodies’ experts and Daily Subsistence Allowance (DSA)
c. Treaty Body Staff support
d. United Nations Information Service

The total cost of the current treaty body system in 2012 amounts to USD 49.16 million. The breakdown is in Table 1.
### a. Conference services

Conference services consist of (1) Meetings support and (2) Documentation. Meetings support consists of interpretation, summary record drafting, meeting room attendants, sound technicians and captioning. Documentation consists of editing, translation (terminology and referencing), formatting, printing, distribution and braille.

Conference services face a growing workload as regards meetings and documentation, with treaty bodies one of the principal users and consuming the largest share of documentation capacity.
In terms of notional costs, please see Table 4, which provides a breakdown of how much it costs for three hours of meeting time with interpretation in six languages and support services, cost of translation and text processing per page (330 words) in six languages, cost per printed page impression for reproduction and cost per document for distribution.
In 2012, given the treaty body workload, the cost for meetings (74 weeks) and documentation of the 10 treaty bodies, including processing of common core documents used by the entire treaty body system but not including one week of documentation and the annual meeting of treaty body chairpersons, amounts to USD 29.72 million.

This is calculated using the standard costing model, based on the workload standards for translators, text-processors, and interpreters, and rate of exchange of 0.936 (average for 2012). For a breakdown of the 2012 cost total see below:
The growth of the treaty body system has had serious repercussions on the volume of documentation, which has almost tripled over the last decade. As can be seen from the 2012 figures, it represents the greatest expense of the conference services supporting the functioning of treaty bodies and, as will be seen later, dwarfs all other costs. The bulk of the treaty body documentation consists of the reports submitted by States Parties. Other documents are those issued by treaty bodies which comply with the strict page limitations by the General Assembly.

In 2011, 64% of periodic reports exceeded 40 pages; 33% of initial reports exceeded 60 pages. The pages went over the limit by 2,922 pages. If page limits were respected, an estimated USD 5.5 million could have been saved.¹

For a snapshot of costs per committee in 2012, see Table 6.

TABLE 6²

<table>
<thead>
<tr>
<th>Treaty Body</th>
<th>Actual Cost 2012 (Meetings and Documentation)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CESC</td>
<td>$2,141,694</td>
</tr>
<tr>
<td>CRC</td>
<td>$3,233,300</td>
</tr>
<tr>
<td>CAT</td>
<td>$5,084,565</td>
</tr>
<tr>
<td>CERD</td>
<td>$3,384,294</td>
</tr>
<tr>
<td>CMW</td>
<td>$1,055,974</td>
</tr>
<tr>
<td>SPT</td>
<td>$1,007,564</td>
</tr>
<tr>
<td>CEDAV</td>
<td>$3,915,525</td>
</tr>
<tr>
<td>CRPD</td>
<td>$1,715,460</td>
</tr>
<tr>
<td>CED</td>
<td>$654,252</td>
</tr>
<tr>
<td>Human Rights Committee</td>
<td>$6,594,086</td>
</tr>
<tr>
<td>Common Core Documents</td>
<td>$571,378</td>
</tr>
<tr>
<td>Total US$</td>
<td>$28,916,513</td>
</tr>
</tbody>
</table>

There are striking variations in the figures distributed across the committees, based on the number of sessions, pre-sessional working groups, working groups on communications and significantly different volume of documentation. The committees also have used differently their entitlements in terms of working languages and issuance of summary records (for cost of summary records in 2012, see Table 7).

¹ See p. 54, HC report

² Common Core Documents are used by all treaty bodies and therefore their cost has been separated from the ones relating to specific treaty bodies.
b. Travel of Treaty Bodies’ experts and Daily Subsistence Allowance (DSA)

The United Nations covers the cost of travel and accommodation of experts to participate in the sessions of the committees. This accounts for a large percentage of the overall costs of the treaty bodies (“Policymaking organs”). The number of experts has increased from 97 experts in 2000 to 172 experts in 2012.

For travel, in accordance with United Nations rules, regulations and practices, the experts’ trips will be arranged on the basis of a round-trip air ticket by the class immediately below first class via the most economical air fare via the most direct route.

The DSA for treaty body members is provided at the rate of 140% of the normal DSA rates established by the International Civil Service Commission. The Geneva rate as of 1st January 2013, including the 40% surplus, is 518 CHF per day (approximately USD 569).

In 2012, the total actual travel costs and DSA for treaty body members amounted to USD 6,335,200.
c. Treaty Body Staff support (Subprogramme 2 and voluntary contributions)

Since 2000, the regular budget allocations under Subprogramme 2 for support of the treaty bodies, now consolidated in the Human Rights Treaties Division and consisting mainly of staff costs, have trebled. In addition, an amount drawn from voluntary contributions is made available to increase the level of support provided to treaty bodies. In 2012, these extra-budgetary resources amounted to USD 3.8 million with the total staff support cost (regular budget and voluntary contributions) standing at USD 12.9 million (inclusive of the cost of staff support to the humanitarian trust funds within the Human Rights Treaties Division).

However, as indicated in the High Commissioner’s report, an independent workload analysis conducted in 2010 found a 30% gap between the number of Human Rights officers (RB and XB posts) required and the number in place supporting treaty body sessions: treaty bodies have not received full and adequate resources from the outset. Also to be considered in this regard is that increased ratifications under international human rights treaties do not individually trigger consideration of any additional resources, despite increasing the workload of the treaty body.

d. United Nations Information Service

In addition to the figures reflected in the HC report (June 2012), in this note the figures for the United Nations Information Service have also been added for a complete picture.

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3 See p. 27, HC report related to the 2010-2011 biennium.
4. Estimated cost to clear backlogs in the current treaty body system

For the purposes of this paper, we have defined backlogs as follows.

- In-hand backlog - reports submitted but not considered
- Anticipated backlog - reports due but not submitted

For individual communications (petitions) for respective committees:

- Petitions pending consideration

The treaty body system has had serious issues in terms of in-hand backlogs which have mostly been addressed through ad-hoc quick fixes of additional meeting time and in two instances parallel chambers. These yearly requests of a number of treaty bodies to the General Assembly to increase their capacity through the granting of additional meeting time and related varied resources has sometime been granted fully or partly, other times have been not acted upon.

As mentioned in the introduction to this note, the proposal to plan effectively and systematically in advance clearance of backlogs was first suggested in the Secretary-General’s report to the General Assembly (A/66/344). In this report, the SG made reference to a proposal for a regular, comprehensive review of the workload of the treaty bodies, possibly every two years, which is needed in order to provide for any additional resource requirements emanating from new ratifications. But as mentioned in the SG report to the GA and reiterated in the HC report this proposal would fall short of the comprehensive solution for 100% compliance as provided for by the proposal of the comprehensive reporting calendar. However, it would allow for some easing of the current pressures of the system, without resorting to ad hoc requests, till the build-up of another backlog. The Secretary-General’s proposal can also be viewed as a first incremental step for the implementation of the Comprehensive Reporting Calendar.
In terms of sheer periodicity, at current levels of ratification, if every state party would report as per prescribed periodicity, treaty bodies should review an average of 320 state party reports per year.\textsuperscript{4} However, the actual timely reporting compliance rate is at only 16%. Even at this level of non-compliance, the present backlogs are unsustainable.

For insight into the volume of work, see below a table on the number of concluding observations and decisions and views adopted in 2012 and the current in-hand backlogs in terms of state parties’ report and individual communications.

As per December 2012, the in-hand backlog of States parties’ reports pending consideration is 307, while for individual communications it stands at 488.

\textbf{TABLE 10}

<table>
<thead>
<tr>
<th>Human Rights Committee</th>
<th># COBs 2012</th>
<th># Decisions and Views 2012</th>
<th>Decisions in hand backlog</th>
<th>States parties' reports</th>
<th>Petitions pending consideration</th>
</tr>
</thead>
<tbody>
<tr>
<td>CERD</td>
<td>22</td>
<td>1</td>
<td>22</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>CESCQR</td>
<td>12</td>
<td>n/a</td>
<td>20</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>CRC</td>
<td>36</td>
<td>n/a</td>
<td>167</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>CEDAW</td>
<td>20</td>
<td>6</td>
<td>30</td>
<td>15</td>
<td>7</td>
</tr>
<tr>
<td>CRPD</td>
<td>4</td>
<td>3</td>
<td>7</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>CED</td>
<td>1</td>
<td>n/a</td>
<td>1</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>CAT</td>
<td>17</td>
<td>25</td>
<td>25</td>
<td>100</td>
<td>198</td>
</tr>
<tr>
<td>CMW</td>
<td>4</td>
<td>n/a</td>
<td>5</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>SPT*</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>TOTAL</td>
<td>130</td>
<td>115</td>
<td>307</td>
<td>488</td>
<td>488</td>
</tr>
</tbody>
</table>

* SPT is a visiting mechanism and does not produce concluding observations. However, in 2012, 3 missions reports were issued.

To clear the in-hand backlog, and here the cost includes only conference services (documentation and meetings), calculated using the standard costing model, and within the current parameters of the system, namely, the existing number of sessions and meetings and current implementation rate per committee, the cost would amount to USD 79.61 million.

\textsuperscript{4} See p. 19, HC report
To clear the anticipated backlog (i.e., additional documents expected if all states parties complied with treaty reporting requirements), the cost would amount to USD 158.42 million.

However, as mentioned the figures for clearing the in-hand and anticipated backlog only cover the costs of conference services. Travel of experts and staff support can only be properly calculated or estimated based on the policy decisions made on how many years it should take to clear the backlogs. So for example, the actual cost of the CESCR sessions in 2012 is approximately USD 2 million while clearing the in-hand backlog will cost around USD 10 million, so going by the present implementation rate and the current parameters, just clearing the backlog would take the equivalent of 5 years of Committee work based on the current number of sessions and weeks. This is not including the other States parties’ reports that will come in on a yearly basis. Therefore if policy decisions are taken which aim for a clearance of 2 or 3 years, special measures will need to be but in place such as using additional meeting time, additional sessions and/or parallel chambers. This will also directly affect the cost of travel and costs of staff and would be prove problematic to implement, given that the Calendar of Conferences at UNOG is quite full, so finding times when meetings room would be available would be difficult.

For this reason, no ballpark figure can be provided for these additional resource elements, unless policy decisions are made in this regard but it is clear that at a minimum the conference services will cost USD 79.6 million to clear the in-hand backlog. Such an exercise will cost more than the estimated annual cost of the five-year calendar, which in the High Commissioner report was estimated to add another USD 52 million to the current system and strives to achieve full compliance and structured scheduling of sessions. But, as specified in the HC report, this would not be implemented over one year but could take two or more years, during which time new reports and communications would continue to be received. Moreover, also if the comprehensive reporting calendar is adopted a solution for the in-hand backlog will need to be established which could for instance be to combine an outstanding report with the first report under the new cycle.
5. **Cost reduction measures and treaty body strengthening proposals**

*Background*

Existing resources are inadequate to fulfil the conference servicing mandate for treaty bodies. In addition to the huge influx of resources required to clear the in-hand backlogs in terms of conference services, any policy measure aimed at clearing backlogs in one go will also require corresponding increases in travel costs and staffing costs for the period of the backlog clearance.

This note has elaborated on the current cost of the treaty body system, which in 2012 amounted to USD 49.16 million. As explained above, to clear the backlog would cost around USD 79 million and this is not including travel and scaled-up staff costs, which can only be calculated when policy decisions are taken on the number of years/sessions/meetings required to clear the backlog.

The proposal in the HC report relating to the comprehensive reporting calendar also has serious resource implications and in the report, if the comprehensive reporting calendar were to be implemented, the current cost is almost doubled as the parameters for the calendar are scaled up from 74 weeks to 124 weeks, with the consideration of 263 state party reports and 160 individual complaints.

“In addition, the current and anticipated high concentration of meetings in Geneva would require additional conference rooms with interpretation facilities capable of handling all six official languages. UNOG and OHCHR would also require office space for additional conference servicing and human rights staff. While this could entail a significant investment in conference facilities and infrastructure in Geneva, it is a situation that will have to be faced in any event in the near future, regardless of the treaty body strengthening process.”\(^5\)

On the other hand, given the existing challenges to the treaty body system, a cost-neutral approach to addressing these challenges is simply not possible. Serious measures are in order if the system is to continue to function at an optimal level and to be truly effective; this will require nothing short of a major transformation. For this reason, Member States’ are rightly also exploring cost reduction measures with a view to reinvest in some of these structural changes in the form of a backlog clearance or a structured scheduling as in the comprehensive reporting calendar proposal. However, it must be stressed that while a cost-neutral approach would not be favourable, also aiming to cut costs without reinvesting in the system would also not be particularly helpful as it would obscure the structural and other challenges the system faces and only slightly delay the inevitable decline of the system.

*Objectives of cost reduction measures*

Cost reduction measures in the context of treaty body strengthening aim to (1) suggest measures that utilize modern technologies and distribution systems with current trends of greening the UN and (2) in an effort to minimize additional costs that may be incurred in implementing system-wide structural changes, such as one-time clearance of in-hand backlogs and/or the implementation of a comprehensive reporting calendar, the latter being a far more ambitious, comprehensive proposal, which also aims at 100% reporting compliance. The latter proposal also allows for the requirements for conference services, especially documentation, to be a predictable, rational process as the consideration of reports, which would be limited in length, would be systematically ordered over the period of the calendar, allowing for slotting and preparation well in advance of sessions.

\(^5\) See p. 42, HC report
Examples of cost reduction proposals

While this list is not meant to be exhaustive, this note sets out some of the key proposals that have been raised in the context of treaty body strengthening.

Documentation

a) Strict page limitations

Since the brunt of the costs of the treaty body system falls within the conference services category, particularly documentation, proposals such as adoption of the Simplified Reporting Procedure would reduce the volume of documentation requiring translation and reproduction and thus generate valuable savings. This would entail the acceptance that for each State party scheduled to submit a report in the following year treaty bodies would formulate a list of issues, the replies to which would constitute the report. This would allow for dispensing with the extra replies to lists of issues, which for reasons of entitlements and/or workload are not often translated. Page limitations of States parties’ reports and treaty bodies’ annual reports and concise updates of Common Core Documents (CCDs), would also significantly reduce costs of document processing. Reductions are so effective in this particular category because of the high notional cost of translation and text processing per page (330 words) in six languages which stands at USD 1,266 (2013), based on workload standards for interpreters, translators and text processors and the rate of exchange of 0.911 CHF/$. 

b) Summary records

At DCM, three précis writers draft the record of a half-day meeting; a reviser spends half a day revising. These records are drafted in English or French. The notional cost for drafting is USD 2,608 and translation of a 15-page summary record into one language is USD 4,038. Summary records are used as meeting archives, for future reference by treaty bodies and other stakeholders and for scholarly research. The cost of summary records in 2012 was USD 4.2 million, of which 89% of the cost was for translation and text processing, while 11% was for printing and distribution.

Alternatives to summary records can take various forms such as: (i) Webcasting with/without captioning; (ii) Digital recording. These alternatives are completely different options, with varying advantages and they may not be a direct substitute or replacement for summary records. Also, in webcasting with/without captioning, also meets other objectives such as accessibility, visibility and outreach of the treaty body system, which are of value far beyond its replacement of summary records.

   (i) Webcasting with/without captioning

It would be necessary to make initial investments to enable cost reductions to be established in the future, particularly in the infrastructure required to enable videoconferencing and webcasting. This is very much as per the trend in the UN, as has just been included in the 2012-2013 regular budget for the formal meetings of the General Assembly’s six Main Committees.6 The Human Rights Council has been using webcasting in lieu of summary records since 2008, although the cost of the webcasting has not been addressed within the regular budget.

Such facilities entail an estimated one-off cost of $700,000 and recurring annual costs of $900,000 (figures as of 2008). As mentioned earlier, technical difficulties have prevented the updating of the costs of providing webcasts of public meetings. It could well be anticipated that the cost may be considerably higher than $900,000 as was envisaged in 2008. In the recent approval of webcasting for

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6 See A/C.5/66/L.18
the six Main Committees of the General Assembly, the approved amount was $835,500 to cover all related costs for the biennium.\footnote{See A/C.5/66/L.18, para 77} A proper assessment of what it would cost to set up webcasting for treaty bodies would be undertaken upon a decision to pursue this approach whether on a pilot basis or across the treaty body system.

Once webcasting equipment is installed, summary records could be replaced by indexed and searchable recorded webcasts.

If captioning (real-timed typed transcription of the spoken word) were also provided, it would serve as a verbatim record of dialogues with States parties for those who prefer written records. As captioning has not been provided by the United Nations in all six languages to date, estimates of its cost are not readily available, but the experience so far in providing captioning in certain languages have proven it to be a very cost-effective solution.

Alternatively, in addition to captioned webcasting, summary records might be maintained in English only.

(ii) Digital records

Separate from webcasting and captioning, there are also examples of other UN committees that have opted for less expensive unedited transcripts and digital recordings instead of summary records.\footnote{The Committee on the Peaceful Uses of Outer Space, part of the UN Secretariat in Vienna, had opted already in 1997 for the less expensive unedited transcripts instead of summary records (you will find the link to those transcripts here: http://www.unoosa.org/oosa/en/COPUOS/transcripts/index.html. They will pilot this for 3 years while in parallel still receiving the unedited transcripts.}
The Committee on the Peaceful Uses of Outer Space in Vienna accepted an inexpensive simple solution that is built on existing tools and uses advanced technologies. The digital audio files present a fully authentic audio recording and are immediately available unlike summary records or verbatim records.\footnote{Further, the United Nations Commission on International Trade Law (UNCITRAL) decided in July to use the system as a pilot until 2014, in parallel with summary records, and will then decide on whether to discontinue with the SRs. The secretariat of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime also requested the system and received the recordings in October. The UNIDO Secretariat will present a proposal to introduce digital recordings to replace summary records later this month.}

In 2011 the Committee accepted to receive digital recordings in six languages. This digital solution brings many advantages, in addition to considerable cost reductions. The bodies which decide to use digital recordings to replace written meeting records opt for a more sustainable conference servicing in the UN. They contribute to reforming the way we operate and to reducing a significant part of the documentation workload. For the purposes of this paper, while we do not have a costing of this, there should ideally be collaboration with the secretariat in Vienna to explore how this may be implemented in the context of the treaty body system.

Other proposals

While documentation is a key category where cost reductions can be made, the proposals above only deal with a few specific areas which are relevant in the context of treaty bodies. However, as an overall measure, in terms of modern distribution and greening, further reductions in printing and distribution expenses will produce immediate savings with minimal inconvenience to users, given that this documentation is readily available on the UN’s Official Documentation System (ODS).
Within meetings, reducing the working languages, which would save on interpretation expenses, could also be potential areas where cost reductions might be made.

All these proposals stand alone as modern, green ways of going about business in the UN and a shift towards sustainable UN conferencing; in the context of treaty body strengthening, however, these reductions should be reinvested towards closing the serious existing capacity, efficiency and resource gaps.